

REMARKS

Claims 1-18 and 20-30 are in this application.

Claims 1, 6-12 and 26-29 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U. S. Patent No. 6,199,502 to Mattson. Although the applicant disagrees with the examiner's statement that Mattson discloses the same concrete module as claimed, claim 1 has been amended to clarify that when two modules are joined together the curved sides of the facing sides present a vertical gap between the surfaces. As shown in Fig. 6, which is a plan view of abutting modules, the gap is in a center area of adjoining modules and extends from the top surface of the module to the bottom surface of the module.

The '502 patent does not teach or suggest a curved surface that presents a vertical gap between the adjoining modules. The sides of the modules in the '502 patent may be concave so that all four edges of a side are coplanar and thus all four edges will contact an adjoining module. Having the upper and lower edges in contact is no desirable and may cause the top and bottom surfaces to crack and chip as the modules flex from movement in the water.

Accordingly, applicant believes that claim 1 as amended further clarifies this feature of the present invention and is allowable over the '502 patent.

Claim 13, which was rejected under 35 U.S.C. § 103(a), has been amended to include this limitation from claim 19. Neither Mattson '502 nor U. S. Patent No. 3,221,696 to Gardner teach or suggest curving the module sides to prevent a vertical gap between adjoining modules. Accordingly, claim 13 is now in condition for allowance.

Claim 26 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Mattson '502. Applicant respectfully disagrees with the examiner's rejection. Claim 26 has been amended to clarify that the bottom plate of the mold is for forming the top surface of the


concrete module. This feature is not taught or suggested by Mattson '502. By forming the module upside down in the mold, little or no surface finishing is required for the top surface of the concrete module. Additionally, surface textures may be incorporated in the bottom plate of the mold that are not contemplated by Mattson '502. Additionally, the inwardly curved vertical surface as claimed is not taught or suggested by Mattson '502. Accordingly, applicant believes that claim 26 is allowable.

Claim 30 stands rejected as being anticipated by Mattson '502. Applicant respectfully disagrees with the examiner's rejection. Mattson '502 does not teach or suggest placing the foam core upside down in the mold or forming the module upside down so that the upper surface of the module requires no finishing. Accordingly, applicant believes that claim 30 is allowable.

The dependent claims should also be allowable as they each depend from claims that are in condition for allowance.

Accordingly, applicant respectfully requests that this application be passed to allowance.

Respectfully submitted,

  
D. A. N. CHASE, Reg. #20,682  
MICHAEL YAKIMO, JR., Reg. #28,549  
GINNIE C. DERUSSEAU, Reg. #35,855  
JAMES J. KERNELL, Reg. #42,720  
CHASE LAW FIRM, L.C.  
4400 College Boulevard  
Suite 130  
Overland Park, Kansas 66211  
Telephone: (913) 339-9666

Attorneys for Applicant